



WISCONSIN REGULATORY DIGEST

A Publication of the
CHIROPRACTIC EXAMINING BOARD

No. 1

February, 2003

Dismissal of Suit against the Board by the Wisconsin Chiropractic Association

On October 30th, 2002, the court dismissed Wisconsin Chiropractic Association vs State of Wisconsin Chiropractic Examining Board and Dale Strama.

The case was filed in July alleging that the Board, and particularly the chair, Dr. Strama, had improperly approved continuing education programs that were co-sponsored by Dr. Strama's employer, Allied Health. The case was dismissed after depositions and discovery showed that Dr. Strama carefully avoided being involved in approving continuing education programs for Allied Health, and that there was no evidence that the Board had acted improperly.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

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Get Rich Quick? - Be Wary of Ads

As chiropractors brace themselves to deal with today's economy they find that they are inundated with supposed "opportunities" to make their practice lives easier and more profitable. The board of examiners has received requests for information and policy statements on various schemes that are being marketed to chiropractors. This is a reminder to make sure that any procedure or service that you consider employing as part of your practice is within the scope of practice as defined in Chapter 446.

Be particularly careful with respect to any relationship which might be considered fee-splitting. An article was printed in the last Regulatory Digest regarding chiropractic referrals to diagnostic testing services. Several companies marketing mobile diagnostic services will tell you that their proposed financial arrangement is legal, and the contracts apparently satisfy certain federal requirements. The Board is aware that providers of these services continue to approach chiropractors in Wisconsin. The Board has reviewed some of the proposed contracts, and the Board's interpretation of its statutes and rules remains unchanged. Chiropractors may only bill for work they actually perform, services performed by another entity must be billed by that entity, and

In This Issue

Dismissal of Suit against the Board by WCA	1
Get Rich Quick? – Be Wary of Ads	1
Continuing Education Credits	2
Manipulation under Anesthesia (MUA)	2
Final Decision in Disciplinary Proceedings Against Riegleman.....	3
Notice to Prospective Applicants for Licensure by the State of Wisconsin Chiropractic Board.....	3
Digest Distribution Options	3
Disciplinary Actions	3

arrangements that lease an unlicensed technician to a chiropractor as an "employee" appear to serve only to permit the chiropractor to bill insurance for services s/he did not perform. The scope of chiropractic permits a chiropractor to perform diagnostic tests if s/he is qualified to do so by education, training and experience. A chiropractor is also permitted to delegate diagnostic testing to an unlicensed person under the chiropractor's supervision if the requirements of Chapter Chir 10 are met. A chiropractor may also refer a patient to a diagnostic service, including a mobile service, if indicated. A problem arises, however, if the arrangement with the testing service allows the referring chiropractor to bill for services he or she did not perform. This is usually proposed under the theory that the equipment "belongs" to the chiropractor during the time it's used, or the technician is an "employee" of the chiropractor for that time period. Wisconsin chiropractors should be aware that any arrangement that permits a chiropractor to bill for services not performed is likely to be found to be either insurance fraud or fee-splitting.

Many doctors have been approached about the possibility of offering some type of oral heavy-metal detoxification (chelation) therapy as part of their treatment. This may not currently be done under Wisconsin law as chiropractors are not allowed to prescribe or offer supplements etc. for specific conditions.

Especially troublesome are the offers to put hundreds of new patients in a chiropractor's office every week. Television magazines have been exposing the practice that makes use of "runners" to solicit "injured parties" for treatment.

Be leery of marketers that offer to teach you how to code your services so that you can increase your revenue. A chiropractor may only use the CPT codes that most accurately describe the service that you have provided. If the description of the CPT code does not match the service you provided, you must use a code for a service which is "not otherwise specified" (NOS) and include documentation with explanation of the service.

Above all, remember that the services and treatment that you provide must be documented and supportable as medically/ chiropractically necessary according to the contract that the patient has with his or her insurance company or the provider has with the managed care company.

The ramifications of fraudulent billing can affect your practice for your entire career. Keep in mind

the simple rule that if it looks too good to be true then it probably is.

Continuing Education Credits: Important Notice

- Continuing Education must be from a program that is sponsored by the Wisconsin chiropractic association, the ACA, the ICA, a college of chiropractic with the accreditation standards of the Council on Chiropractic Education and approved by the board, or a college of medicine or osteopathy accredited by an agency recognized by the United States department of education.
- When a course instructor of the program is on the undergraduate or post graduate faculty of a chiropractic college, the course instructor must have been appointed in accordance with the accreditation standards of the Council on Chiropractic Education.

This is especially important in light of the recent developments at Life University. Life University lost its accreditation with the Council on Chiropractic Education on October 20, 2002. It is the Wisconsin Chiropractic Examining Board's position that continuing education courses solely sponsored by or taught by instructors solely appointed by Life University are not eligible for license renewal if taken during the time period of non-accreditation.

Manipulation Under Anesthesia (MUA)

The Board has previously reviewed "Manipulation Under Anesthesia" (MUA) and authorized its use by chiropractors with adequate training under certain circumstances. The Board recently reviewed the current guidelines of the Academy of Manipulation Under Anesthesia Physicians and updated its policy statement as follows:

"Manipulation Under Anesthesia (MUA) does not constitute chiropractic treatment utilizing drugs. With MUA, a chiropractor performs a chiropractic adjustment while the patient is sedated. The anesthesia must be administered either by an anesthesiologist who is a licensed physician with a credential to practice medicine and utilize drugs, or by a Certified Registered Nurse Anesthetist under the direct supervision in a hospital setting of a licensed physician with a credential to practice medicine and utilize drugs. Minimum guidelines for MUA training and practice protocol for chiropractors are that the chiropractor must have completed a course in a CCE-approved program and must have performed at least 15 supervised procedures. In addition, the patient must go

through other manipulation before undergoing MUA."

Final Decision in Disciplinary Proceedings against Riegleman

The Chiropractic license issued to John Riegleman, D.C. was suspended by the Board for six months beginning November 11, 2002, following a disciplinary proceeding. The complaint against Dr. Riegleman was based on his treatment of a patient in 1993 and 1994, during which time Dr. Riegleman saw the patient 63 times over the course of 9 months, the patient continuously complained of pain in his left hip and buttocks area during the visits, and Dr. Riegleman never asked the patient to remove his clothes so that he could inspect the area. The patient ultimately consulted another chiropractor who referred him to a medical doctor, who diagnosed multiple myeloma and plasmacytoma, from which the patient later died. The Board found that Dr. Riegleman had engaged in a practice which constituted a substantial danger to the health, safety and welfare of a patient, and had engaged in excessive treatment of the patient. A court appeal taken by Dr. Riegleman was ultimately denied.

Notice to Prospective Applicants for Licensure by the State of Wisconsin Chiropractic Board

On December 19, 2002, the Chiropractic Board voted to accept a passing score of 375 on Part IV of the National Chiropractic Board Examination in lieu of the practical examination formerly administered by the Wisconsin State Board. Candidates for licensure will still be required to satisfy all of the existing criteria, including passing the state law examination.

The State of Wisconsin practical examination will be administered only one more time for candidates who failed the state exam and would like to retake the sections that they failed. Please note that if you have passed Part IV of the national exam, or intend to do so in the future, you are not required to retake the Wisconsin version of the practical exam.

If you would like to retake the sections of the exam that you failed, you may do so on February 13, 2003. January 13, 2003, is the deadline for applying to retake the Wisconsin practical exam. If you failed the December 5, 2002 exam, you may review the sections you failed at 8:00 AM on January 9, 2003. Reviews are scheduled by calling Diane Smith at 608-266-2852.

The required written jurisprudence exam will be given on February 13, 2003, and regularly thereafter. The deadline for completing the application process is January 13, 2003. All required application materials must be submitted to Ms. Julie Reimann, Chiropractic Examining Board.

Questions related to this correspondence can be directed to Dr. Gail Pizarro at 608-267-3280 or gail.pizarro@drl.state.wi.us.

Digest Distribution Options

The Department of Regulation and Licensing is looking at various ways to improve service and at the same time reduce costs relating to our publications. One way to achieve this is by offering licensees the option of receiving the digests via e-mail. This will not only help DRL reduce costs, but will also allow licensees to receive the digests even before the hard copy is printed. Starting in March, the Department's website www.drl.state.wi.us will contain a place for licensees to register to receive digests via e-mail. The Department thanks you in advance for your participation in this new distribution system.

Disciplinary Actions

The following disciplinary summaries are taken from orders that can be reviewed on the Department of Regulation and Licensing Web site: www.drl.state.wi.us. Click on "Publications" and then "Reports of Decisions" to view the order. Decisions reported below may have an appeal pending and the discipline may be stayed. The current status of the discipline may be viewed on the Department's Web site under "License Lookup". The progress of cases in court may be viewed at: www.courts.state.wi.us.

DANIEL S BOSWEIN, D.C.

MILWAUKEE, WI

SURRENDER

Admitted that he unlawfully purchased and used cocaine. Dated 7-18-2002. Wis. Stat. 446.03(2). Case #LS0207181CHI

STEVEN R PUCKETTE, D.C.

MADISON, WI

SUSPENDED/COSTS

Recommended various nutritional supplements to a three-year old child as treatment for medical conditions, including treatment he described as "oral chelation therapy." License suspended for 30 days effective 11-21-2002. Chir 6.02(4), Wis. Admin. Code. Case #LS0211211CHI

MICHAEL S RUSAK, D.C.

LA CROSSE, WI

SUSPENDED

Failed to comply with a previous order that required him to complete 36 hours of continuing education. License suspended for 30 days

effective 12-19-2002. Chir 6.02(25), Wis. Admin.
Code. Case #LS0212193CHI

**Department of
Regulation and Licensing**

P.O. Box 8935

Madison, WI 53708-8935

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REQUESTED

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To contact the Department, just dial (608) 266-2112, then enter the Quick Key numbers below for the assistance you need:

To request an application packet:	press 1-1-3
To check the status of a pending application:	press 1 - 2
To discuss application questions:	press 1 - 3
To discuss temporary license questions:	press 1 - 3
To renew or reinstate a permanent license:	press 1 - 4
To renew or reinstate a permanent license:	press 2 - 1
To renew a temporary license:	press 2 - 2
To obtain proof of licensure to another state:	press 3 - 1
To find out if a person is licensed:	press 3 - 2
To file a complaint on a license holder:	press 8
To check the status of complaints:	press 8
For all other licensing questions:	press 1 - 3

VERIFICATIONS

Verifications are now available online at www.drl.state.wi.us. On the Department Web site, please click on "License Lookup". If you do not use the online system, all requests for verification of licenses/credentials must be submitted in writing. There is no charge for this service. Requests should be sent to the Department address or may be faxed to (608) 261-7083 - ATTENTION: VERIFICATIONS. Requests for endorsements to other states must be

DID YOU KNOW THAT YOU CAN ACCESS MOST INFORMATION ON THE DEPARTMENT OF REGULATION & LICENSING WEB SITE?

Visit the Department's Web site at:

www.drl.state.wi.us

Send comments to: web@drl.state.wi.us

CHANGE OF NAME OR ADDRESS?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided. **WIS. STATS. S. 440.11** **ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

WISCONSIN STATUTES AND CODE

Copies of the Wisconsin Statutes and Administrative Code relating to Chiropractic can be ordered through the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28.